

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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KERIWYN HILL,

Plaintiff,

Case No. 5:23-cv-140 (BKS/ML)

-against-

COMPLAINT

KHALIL LEE,

Defendant.

JURY TRIAL DEMANDED

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Plaintiff Keriwyn Hill (“Hill” or “Plaintiff”), by and through her attorneys, Walden Macht & Haran LLP, respectfully brings suit against Khalil Lee (“Lee” or “Defendant”), alleging the following:

NATURE OF THE ACTION

1. On or about May 7, 2022, Hill was the victim of domestic abuse, as she was kicked to the ground and choked by Lee, a professional baseball player in the New York Mets organization since on or about February 10, 2021,¹ who was Hill’s boyfriend at the time. As described in more detail below, Lee also pulled Hill’s hair and choked her neck with his hands to the point that she could not breathe or speak for a brief period, leaving bruises and marks on various parts of her body.

2. During this attack, which occurred in Lee’s rented apartment in Syracuse, New York, Lee also verbally abused and tormented Hill.

3. Hill contemporaneously reported the assault and outrageous conduct to close friends.

4. The next morning, Hill went to the local police station and filed a police report.

¹ See <https://www.milb.com/player/khalil-lee-666137>.

5. An arrest warrant for Lee was signed by a Judge in Syracuse on or about August 10, 2022.

6. Since the violent assault, Hill has struggled with feelings of shame, anxiety, and depression. She now has difficulty forming trust in her relationships. Hill has also, among other things, missed work and other business opportunities and has had to seek intensive therapy to try to work through the trauma. Lee has not suffered any consequences for his actions. Indeed, while Hill's bruises and abrasions were healing, and while she suffered from nightmares and other episodes of post-traumatic stress, Lee was on television playing professional baseball. This suit seeks to remedy that injustice.

THE PARTIES

7. Plaintiff Keriwyn Hill is a 26-year-old who resides in Brooklyn, New York.

8. Defendant Khalil Lee, on information and belief, is a 24-year-old professional baseball player who resides in Tampa, Florida.

JURISDICTION AND VENUE

9. Federal diversity jurisdiction exists pursuant to 28 U.S.C. § 1332. As Hill is a resident of New York and Lee is a resident of Florida, complete diversity of citizenship exists. The amount in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.

10. Venue is proper in the Northern District of New York pursuant 29 U.S.C. § 1391, because a substantial part of the events or omissions giving rise to Hill's claims occurred in this District.

FACTUAL ALLEGATIONS

A. Background of the Relationship Between Hill and Lee

11. Hill moved to Brooklyn, New York on or about May 9, 2021, for a job in client relations. She has a bachelor's degree in Fashion Business from Columbia College in Chicago, Illinois.

12. Hill is originally from Champaign, Illinois and was raised in an upper-middle class family, the youngest of four children. Her father was a physician, the director of an intensive care unit in Illinois, and her mother was a math consultant and wrote math textbooks. Both are now retired. Hill has three older brothers who have always looked out for her. She and her entire family are avid sports fans.

13. Hill met Lee via social media on or about May 28, 2021, shortly after she moved to New York City. Lee was playing for the New York Mets at the time and staying in Queens, New York.

14. Hill and Lee's relationship continued after Memorial Day and throughout the Summer. Lee would often visit Hill at her apartment in Brooklyn, and he met her roommates and friends.

15. Shortly after Hill and Lee began their relationship, Lee was sent down to play in the Triple-A Minor League for the Syracuse Mets, and subsequently moved to Syracuse, New York. He and Hill would communicate almost every day via text message and social media direct messages.

16. Indeed, Lee arranged for Hill to visit him in Syracuse several times a month in the Summer of 2021. When Lee traveled to other cities for games, he would invite Hill to come visit

him, and sometimes they would make additional travel plans to other locales. Sometimes Lee would cover the cost of the flights and rental cars, and sometimes Hill would pay her own way.

17. When Hill visited Lee in Syracuse, she would stay at his apartment and attend his baseball games. It was widely known by other team members and staff at the stadium that Hill was Lee's girlfriend, and she sometimes arrived at the stadium driving Lee's car, which was acknowledged by stadium staff for special parking privileges.

18. Lee would tell Hill via text messages that he "can't wait to see her" in advance of Hill coming to visit him and watch his games.

19. When Hill visited Lee, they would go out on dates to restaurants, run errands together, and engage in leisurely activities such as getting pedicures.

20. Towards the end of the Summer of 2021, Lee told Hill that he was "falling in love" with her.

21. In or about August 2021, around the time that Lee had a game in Worcester, Massachusetts, Lee surprised Hill with a weekend trip to nearby Boston, Massachusetts.

22. In early September 2021, Hill also visited Lee in Pennsylvania, where he was playing in an away game. Shortly after this visit, Hill learned that Lee might have been unfaithful to Hill during a night out in Buffalo, New York.

23. Although Hill and Lee put the brakes on their relationship in or about the Fall of 2021, Hill continued to be a source of support for Lee.

24. Lee told Hill that he needed to generate revenue in the off season. In or about September and October 2021, Hill coordinated brand partnerships for Lee that resulted in paid opportunities. For example, in or about October 2021, Hill secured an opportunity for Lee to

partner with Ralph Lauren for a social media ad. Lee and Hill agreed to split the profit of \$250.00, so Hill sent Lee \$125.00 via PayPal on or about October 25, 2021.

25. After a brief period during which Lee and Hill only spoke via text or FaceTime intermittently, Hill reached out to Lee over the Christmas Holiday in 2021, which resulted in resumed close communication during the months of January and February 2022.

26. Despite their “on and off” relationship, Lee seemed very comfortable with Hill and would confide in her about personal things and seek her support, both emotionally and financially.

27. For example, on or about January 31, 2022, Lee sent Hill a text with a screenshot showing that his bank account was negative by almost \$300.00 and said, “I can pay you back Friday . . . this just happened.”

28. Although Hill indicated that she needed her money for something else that week, she wanted to help, and ultimately sent Lee \$292.00 so that he could “get out of the negatives,” as he put it.

29. On February 4, 2022, Hill had to follow up with Lee to ask when he was planning to repay her. Lee apologized and said that he would send it to her the following Tuesday. Lee ultimately repaid Hill \$300.00 on February 5, 2022. This was not the only instance where Hill had lent Lee money.

30. Throughout February 2022, Hill and Lee continued to communicate. Lee admitted to Hill that he appreciated her continued support and that it “helped [him] get thru the season.”

31. On or about March 7, 2022, Lee sent Hill a photo of Lee in front of his new residence in Tampa, Florida, and provided a link to the listing on Zillow.com. Around the same time, Lee called Hill and asked her to come visit him at his new Florida home. Although that visit did not ultimately happen, the two made plans to see each other a couple months later.

B. Events Leading up to the Assault

32. In early May 2022, Lee reached out to Hill while she was on a Mother's Day trip in Arizona with her mother. Lee suggested that Hill change her flight and fly to Syracuse to visit with him, instead of flying back home to Brooklyn. Hill agreed and made those travel arrangements.

33. On or about May 5, 2022, Hill flew from Arizona to Syracuse, New York. She picked up the rental car that Lee had arranged for her and drove to Lee's apartment in Syracuse later that night. The two played ping pong and watched movies.

34. The next morning, on or about May 6, 2022, Lee watched his sister's graduation ceremony virtually while Hill took a work call. Afterward, Lee took Hill to breakfast at Funk'n Waffles in Syracuse. The two reminisced about their relationship the previous year, and Lee told Hill that he wanted to try to start things up again in their relationship.

35. Later that day, Hill attended Lee's baseball game. Afterward, the two drove back from the stadium to Lee's apartment and ordered food. Lee and Hill both placed separate food orders on their respective phones. Text message receipts indicate that Hill placed her food order at 11:07 PM on or about May 6, 2022.

36. At some point before the food arrived, Lee suggested to Hill that she might want to change her flight, and go back to Brooklyn a day early, but did not explain why. Hill expected to remain in Syracuse until Sunday, as they had originally planned.

37. While waiting for the food to arrive, Lee was playing video games. When the delivery driver arrived, Lee, who had placed the food order from his phone, handed his phone to Hill, and asked her to go downstairs to meet the driver and collect his food.

38. While trying to pinpoint the driver's location on Lee's phone, Hill came across a text message conversation that was clearly with another woman and appeared to be intimate. Hill recalls that Lee texted the woman something along the lines of "you need to come see me; come to Syracuse."

C. The Assault

39. After collecting Lee's food from the driver, Hill went back upstairs to the apartment and confronted Lee. Hill told Lee that it seemed obvious that he was trying to get rid of Hill a day early so that this other woman could replace her. Hill expressed her frustration with the fact that earlier that morning, Lee had just told her that he wanted to start things back up in their relationship. Lee responded that whatever Hill was complaining about, was not a big deal.

40. Hill then tossed Lee's phone towards the couch, but it fell on the hardwood floor.

41. After a few minutes, Hill received a notification from her own delivery driver that her ice cream had arrived. It was now approximately 12:15 AM on or about May 7, 2022.

42. When Hill came back upstairs and put her ice cream in the freezer, Lee told her, "I almost fucked you up when you threw my phone." Lee then grabbed Hill's phone and started waving it in the air while saying "how would you like it if I threw your phone?"

43. Lee then proceeded to drop Hill's phone to the ground, letting it hit the hardwood floor. When Hill bent down to pick up her phone, Lee kicked Hill on her thigh, causing her to fall to the ground and hit her leg against the hardwood floor.

44. Hill, now in physical pain, also became frightened. She was alone in the apartment with Lee, who had just physically assaulted her.

45. When Hill began to cry on the floor, Lee taunted her, and told her that she was being "dramatic."

46. Hill got up, walked into Lee's bedroom, and began packing her things to leave first thing in the morning. Lee was still in the living room/kitchen area.

47. Hill realized that there was no blanket on the bed for her to sleep with, so she went out to the living room and tried to take the comforter that was on the couch, next to where Lee was sitting and playing video games.

48. Lee grabbed the other end of the comforter and told Hill that she was not going to bed without him. When Hill again tried to pull the blanket away, Lee grabbed her arm, and with his other hand, he scooped up the comforter and stuffed it under his arm so that it would be out of her reach.

49. Hill continued to plead for the comforter and told Lee that she just wanted to go to bed. Lee responded by telling Hill that she is "crazy," that her "therapist needs to do a better job," and that she is "ugly" and "needs plastic surgery."

50. Hill responded by slapping Lee on his left cheek with the palm of her hand, and then walked away towards the bedroom to get her stuff and leave for a hotel.

51. Lee followed Hill into the kitchen and said, "Oh you think you're gonna do that and walk away?" Then, from behind, Lee grabbed Hill's long box braids and yanked her hair backwards with tremendous force, against the kitchen island. Hill then felt Lee's hand around her neck choking her and causing severe pressure to build behind her eyes. Hill tried to call out Lee's name and tell him to stop, but she could not breathe or speak. After about 10 or 15 seconds, Lee finally let go and shoved Hill to the side of the kitchen island.

52. Hill, in complete shock and feeling pain in her head and throat, asked Lee "What the fuck is wrong with you?" Lee responded: "This was probably your plan the entire time, you're trying to set me up."

53. Terrified and confused, Hill went into the bathroom to get herself together, and noticed in the mirror that she had marks and scratches on her neck, as well as swelling and redness.

54. Hill became even more upset and went to the bedroom and called her close friend to tell him what had just happened.

55. Lee came into the bedroom a few minutes later asking Hill “How much is this going to cost to go away?” Hill told Lee to get away from her.

56. Lee left the room and while Hill continued packing, she heard Lee on the phone saying to someone something along the lines of “I fucked up.” After some time, Hill realized that Lee had left the apartment. Initially, Hill was concerned that Lee might have taken the keys to the rental car and left her stranded, but she found the keys in the kitchen.

57. Within approximately five minutes of locating the car keys, Hill took her things and left the apartment. She noticed that Lee was standing on the sidewalk across the street from the apartment. She ignored him, got into the rental car, and drove to the Aloft hotel in Syracuse.

58. Hill immediately blocked Lee’s number from her phone and has not had any contact with him since that day.

D. Post-Assault Reporting

59. The next morning, on or about May 7, 2022, Hill drove to the police station in Syracuse and provided a report.

60. An arrest warrant against Lee has been pending in Syracuse since at least on or about August 10, 2022.

61. Counsel for Major League Baseball has been informed of the incident.

E. Due to the Actions of Lee, Hill Has Suffered Significant Injuries Impacting Her Life, Her Career, and Her Psychological Well-Being

62. In addition to physical injuries sustained by Hill, Lee's conduct and actions have caused significant injury to Hill's career and her emotional well-being. For several months, Hill has struggled to return to work and put on a happy face, which has resulted in a substantial amount of lost commission.

63. In the weeks after the assault, Hill was afraid that colleagues and peers would see the marks on her neck, so she stayed home in isolation.

64. In addition, Lee's conduct and actions have caused Hill incredible emotional stress and anxiety, and have impacted her psychological well-being.

65. As a direct and proximate result of Lee's actions, Hill suffered and continues to suffer actual damages, including monetary damages, damages to her reputation and career, psychological and emotional pain, mental anguish, fear for her physical safety and lack of trust in forming relationships, and humiliation.

FIRST CAUSE OF ACTION

(Assault)

66. Hill repeats and realleges each and every allegation made in the above paragraphs of this complaint.

67. Lee, in perpetrating the above-described conduct, placed Hill in apprehension and fear of unwanted, unwarranted, unsolicited physical touching of her person by Lee in a manner that was harmful and offensive to Hill and would be harmful and offensive to any reasonable person.

68. As a direct and proximate result of Lee's unlawful conduct, Hill has endured physical injury and harm and has sustained and continues to sustain monetary and economic harm

for which she is entitled to an award of damages, including, without limitation, for severe emotional damages, reputational harm, and the loss of occupational opportunities.

69. Lee's conduct evinced a high degree of moral culpability and demonstrated a wanton or reckless disregard for the rights of Hill.

70. As a result of the foregoing, Hill is entitled to compensatory and punitive damages, in an amount to be determined at trial.

SECOND CAUSE OF ACTION

(Battery)

71. Hill repeats and realleges each and every allegation made in the above paragraphs of this complaint.

72. Lee's conduct toward Hill amounts to harmful and offensive contact to Hill's person, all of which was done intentionally by Lee without Hill's consent.

73. As a direct and proximate result of Lee's unlawful conduct, Hill has endured physical injury and harm and has sustained and continues to sustain monetary and economic harm for which she is entitled to an award of damages, including, without limitation, for severe emotional damages, reputational harm, and the loss of occupational opportunities.

74. Lee's conduct evinced a high degree of moral culpability and demonstrated a wanton or reckless disregard for the rights of Hill.

75. As a result of the foregoing, Hill is entitled to compensatory and punitive damages, in an amount to be determined at trial.

THIRD CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

76. Hill repeats and realleges each and every allegation made in the above paragraphs of this complaint.

77. Lee's conduct was extreme and outrageous.

78. Lee intended to cause, or disregarded a substantial probability of causing, severe emotional distress to Hill.

79. Ever since – and specifically due to – Lee's extreme and outrageous conduct, Hill has suffered and continues to suffer from extreme psychological and emotional pain, distress, mental anguish, humiliation, and fears for her physical safety.

80. There exists a causal connection between Lee's conduct and Hill's injury.

FOURTH CAUSE OF ACTION

(Negligent Infliction of Emotional Distress)

81. Hill repeats and realleges each and every allegation made in the above paragraphs of this complaint.

82. Lee engaged in extreme and outrageous conduct.

83. Lee breached a duty owed directly to Hill that endangered Hill's physical health and safety and caused Hill to fear for her own health and safety.

84. Ever since – and specifically due to – Lee's extreme and outrageous conduct, Hill has suffered and continues to suffer from extreme psychological and emotional pain, distress, mental anguish, humiliation, and fears for her physical safety.

85. There exists a causal connection between Lee's conduct and Hill's injury.

WHEREFORE, Hill respectfully requests a judgment against Lee:

1. Awarding damages to Hill, in an amount to be determined at trial, for lost opportunities and to otherwise make Hill whole for any losses suffered as a result of Lee's actions;
2. Awarding Hill compensatory damages, in an amount to be determined at trial, for mental, emotional, and physical injury, distress, pain and suffering, and injury to her reputation;
3. Awarding Hill punitive damages;
4. Awarding Hill attorneys' fees, costs, and expenses incurred in the prosecution of this action; and
5. Awarding Hill such other and further relief as the Court may deem equitable, just and proper to remedy the harm suffered by Hill expressly on account of Lee's reprehensible conduct.

JURY DEMAND

Hill demands a trial by jury.

Dated: New York, New York
February 1, 2023

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